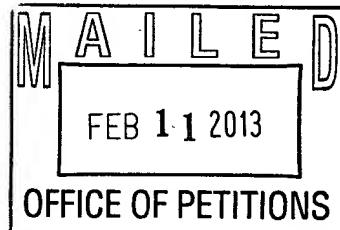




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In re Application of
Graves et al.
Application No. 09/783,002
Filed: February 15, 2001
Attorney Docket No. 120-351
For: PHOTONIC NETWORK NODE

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioners' failure to file an appropriate follow-up submission to the Notice of Appeal, filed July 31, 2006, within two months of the filing date of the Notice of Appeal. No extensions of time under 37 CFR 1.136(a) were obtained. As an appropriate follow-up submission was not filed within two months, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on October 1, 2006. See MPEP 1215.04. A Notice of Abandonment was mailed on May 7, 2007.

Applicants have submitted a proper reply in the form of an RCE and required \$810.00 fee and an amendment as the submission under 37 CFR 1.114, an acceptable statement of the unintentional nature of the delay in filing a follow-up submission to the Notice of Appeal, and the \$1,500.00 petition fee.

Regarding fees, only one Rule 137(b) petition fee is required. Deposit account no. 50-2569 will be credited the \$1,540.00 petition fee submitted with the present renewed petition.

After the mailing of this decision the application will be forwarded to Technology Center AU 2636 for processing of the December 20, 2007 RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted concurrently.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions